

HOUSE BILL No. 1097

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2.

Synopsis: Waters of the state. Excludes certain water bodies from the definition of "waters" for purposes of environmental management laws.

Effective: July 1, 2002.

Cherry, Wolkins

January 8, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1097

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-72.3. IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2002]: **Sec. 72.3. "Ephemeral stream", for**
4 **purposes of this chapter, means a stream:**

5 **(1) that flows only in direct response to rainfall or snowmelt;**
6 **and**

7 **(2) in which the flow persists only for discrete periods.**

8 SECTION 2. IC 13-11-2-79 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 79. "Federal Water
10 Pollution Control Act", for purposes of:

11 **(1) this chapter;**

12 **(2) IC 13-13-5 and IC 13-18-2-1; and**

13 ~~(2)~~ **(3) environmental management laws;**

14 refers to the Federal Water Pollution Control Act (33 U.S.C. 1251 et
15 seq.), as amended by the federal Water Quality Act of 1987, P.L.100-4.

16 SECTION 3. IC 13-11-2-111.5. IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2002]: **Sec. 111.5. "Intermittent stream", for purposes of this chapter, means a stream that:**

- (1) generally has a defined watercourse;**
- (2) does not flow year-round; and**
- (3) flows beyond periods of rainfall or snowmelt.**

SECTION 4. IC 13-11-2-265 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 265. (a) "Waters", for purposes of water pollution control laws and environmental management laws, means:

- (1) the accumulations of water, surface and underground, natural and artificial, public and private; or
 - (2) a part of the accumulations of water;
- that are wholly or partially within, flow through, or border upon Indiana.

(b) The term:

(1) does not include:

- ~~(1)~~ (A) a private pond; or
- ~~(2)~~ (B) an off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water before discharge;

unless the discharge from the pond, reservoir, or facility causes or threatens to cause water pollution; **and**

(2) **does not include:**

(A) **water on the surface of the ground that:**

- (i) **is not confined; and**
- (ii) **is spread and diffused over the land;**

(B) **an accumulation of water confined to and retained within the boundaries of private property;**

(C) **a:**

- (i) **farmed wetland; or**
- (ii) **prior converted wetland;**

as defined by the Natural Resources Conservation Service Natural Food Security Act Manual, as in effect on July 1, 2002;

(D) **an ephemeral stream;**

(E) **an intermittent stream;**

(F) **areas:**

- (i) **where water accumulates or flows intermittently; and**
 - (ii) **that are not wetlands subject to federal jurisdiction;**
- or**

(G) **a manmade underground:**

- (i) **storage structure; or**

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(ii) conveyance structure.c
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